

## Town of Milan Comprehensive Plan

### 1. Introduction

#### Chapter Highlights:

According to New York State law, municipal zoning and land-use decisions must derive from a comprehensive plan that reflects the values and priorities of the community. After it was established in April 2004, the Comprehensive Plan Board worked diligently to ascertain the values and priorities of the community through broad public participation. Both the Comprehensive Plan Board and the Town Board received extensive public comment and this has been used as the basis for recommendations regarding Milan's future land use.



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### Introduction to the Comprehensive Plan Report

The Milan Comprehensive Plan Special Review Board (CPB) was established by action of the Milan Town Board on April 12, 2004. The CPB was mandated “to develop a Comprehensive Plan for the Town of Milan, such Plan to be adopted in all or in part by the Town Board. The Milan Comprehensive Plan Special Review Board is directed to review existent material consisting of but not limited to the Master Plan of 1986 and all work done by a comprehensive planning committee during the years 2000 to 2001.”

It is important that Milan update its plan at this time in light of the following:

- It has been 18 years since the last Master Plan was adopted.
- Population growth in Milan has been more rapid than was projected in 1986, and it appears we stand on the threshold of even faster growth.
- The largest development in the history of Northern Dutchess County has recently been proposed. It consists of a major golf and second home resort on Milan’s eastern boundary with Pine Plains. Initial plans have suggested the addition of 975 homes, some of which would be on the 400 acres that lie in Milan.
- Development pressure is expanding north from the New York metropolitan area following the Taconic State Parkway. The areas in southern and mid-Dutchess County have already experienced a major impact, and there is a marked increase in subdivision activity in Milan.
- Large parcels, which were prior generation farms, are coming on the market with major subdivision development proposals planned.
- New proposals for development along the Route 199 corridor are being discussed.
- Commercial/industrial development, zoning, and environmental protection issues have become important.
- The comprehensive plan process in 2001 was not completed.
- Towns adjoining Milan, i.e., Pine Plains, Red Hook, and Rhinebeck, are experiencing some of the same growth issues and are either in the process of updating or completing their Comprehensive Plans.

The CPB was initially chartered to consist of nine citizens, including a chair. Eight people were initially appointed by the Town Board, leaving one open spot. Two appointees found it necessary to resign due to other time commitments. We completed our work with six members: Jack Grumet, Bill Jeffway, Sheila Margiotta, Ray Pozzi, Ross Williams (chair), and Phillip Zemke. Each member took responsibility for at least one committee that included Infrastructure and Services, Natural and Cultural Resources, Economic Opportunities and Commercial Development, Housing Opportunities and Residential Development, Land Use Implementation, and Publicity and Publication.

Additional citizens of Milan in turn, staffed these committees. A total of 25 people served on the CPB and its committees during the process.

The *New York State Local Government Handbook* includes the following description of a Comprehensive Plan in Chapter XVI, Land Use and Planning:

Comprehensive planning can (and should) be performed by all municipalities, whether or not a set of land use controls is the result. Comprehensive planning logically forms the basis of all efforts by the community to guide the development of its governmental structure as well as its natural and built environment. Nonetheless, the most significant feature of comprehensive planning in most communities is its foundation for land use controls.

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Most successful planning efforts begin with a survey of existing conditions and a determination of the municipality's vision for the future. This process should not be confused with zoning or other land use regulatory tools. Instead, the comprehensive plan should be thought of as a blueprint on which zoning and other land use regulations are based.

The State statutes define a comprehensive plan as “the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify the goals, objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth and development” of the municipality (General City Law §28-a(3)(a); Town Law §272-a(2)(a); Village Law §7-722(2)(a)). While the use of the state comprehensive plan statutes is optional, they can guide boards through the comprehensive plan process. (General City Law §28-a; Town Law §272-a; Village Law §7-722). An important component of the process is public participation. Under the statutes, this occurs both formally, through mandatory hearings held by the preparing board and by the legislative body prior to adoption of the plan, and through the informal participation of the public at workshops and informational sessions.”

The current Master Plan was adopted in 1986, and it formed a solid base from which the current CPB could begin its work. That document had a great deal of valuable background information about Milan and made a number of recommendations, some of which were adopted over the course of the last 18 years. We chose to update background information and to provide historical references in appendices rather than in the body of our report. The current CPB decided to review issues anew and create a new Comprehensive Plan for Milan.

### Public Participation

Comprehensive planning work that was initiated by the Town in the year 2000, aided by Greenplan, Inc., a municipal consulting organization, was reviewed. Of particular use was the Community Values Survey that had been returned by 26% of Milan's citizens (roughly 450 respondents), a very high return rate for this type of mailed survey. Of the respondents, 55% indicated that they had lived in Milan for over 10 years. There appeared to be a roughly proportional representation of non-permanent residents (“weekenders”) in the survey. Very strong preferences were expressed to retain Milan's rural character, control development, and protect the Town's environmental resources. (It is interesting to note the high degree of correlation to the results of the survey reported in the 1986 Master Plan, also included in the appendix.) Further, a Community Preference Survey using visuals was completed in a workshop conducted by Greenplan. That survey provided more specific understanding regarding the type of development the citizens of the Town preferred. The CPB confirmed these results in public forums conducted in May 2004, and concluded that the data collected in 2000 was still a valid reflection of the views of Milan's citizens. The CPB decided to utilize this data rather than conduct new surveys in view of the significant response rate and in the interests of time and objectivity.

The CPB conducted two public forums in May 2004 to give Milan citizens a further opportunity to define what they liked most about the Town, what they wanted to preserve, the concerns or hopes they had for the future of Milan, and to suggest specific ideas for the future. There was a high degree of consensus when people were asked for their top priority: the rural, quiet character of the town with its open and wooded landscape was the dominant theme. Concerns about the future focused on environmental protection, control of growth and zoning. The results of these forums, as well as the data from the surveys noted above, are included for reference in the appendices to this report.

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Further input was sought from the public through a booth manned by CPB members at Community Day in September 2004. A regional workshop, conducted in October 2004, was attended by four neighboring towns and representatives of the Dutchess County Planning and Development Department, State Senator Leibell's office, and the Greenway Council. The participants provided valuable guidance and helped to prioritize the 3 top issues for the Milan Comprehensive Plan. These can be summarized as:

- 1) Plan for open space . . . avoid sprawl.
- 2) Avoid "cookie cutter" zoning.
- 3) Keep dialogue open with surrounding towns and continue intermunicipal cooperation.

The Commissioner of the Dutchess County Department of Planning and Development, Roger Akeley, endorsed the use of several of the new planning and zoning concepts outlined in this document. He specifically commented on avoiding sprawl, the importance of compact growth centers to the preservation of rural character, and the importance of requiring preservation of open space in development regulations.

The CPB conducted three public workshops (two in November 2004, and one in January 2005) to review the preliminary recommendations of the Board with the community. The workshops focused on four concepts, which will be discussed in subsequent chapters:

- 1) The establishment of a maximum desired density for the purposes of town planning.
- 2) The creation of priority growth area(s) in the town.
- 3) The establishment of a large lot zoning overlay zone (a Rural Space Overlay Zone).
- 4) The establishment of Planned Purpose Development districts for two purposes: traditional walking neighborhoods and senior housing/assisted living.

The public provided substantial support for these new directions. The most common concern noted was population density. Two of the sessions also reviewed individual committee recommendations in breakout groups. Again, the public was highly supportive of the committee's directions.

A draft of the plan was prepared and delivered to the Town Board for review on March 11, 2005. It was simultaneously made available to the public at no charge through the Town web site, at Town Hall and in the local libraries.

On April 9, 2005 the CPB Chair participated in a Lafayetteville community discussion sponsored by the Town Supervisor. This discussion occurred in a heated environment due to the publication of an anonymous opposition flyer that misstated the contents of the CPB's draft plan. A committee of volunteer citizens met with the Supervisor the next week to discuss what they would like to see going forward for Lafayetteville. The meeting was well attended and valuable feedback was received by the CPB, which has been incorporated into this recommended plan.

Public hearings were held on April 14 and April 16, a weeknight and a Saturday morning, to permit as many to attend as possible. A total of 43 people made 54 comments at these sessions, with many others present to listen. A majority of the total comments were positive, and a large proportion of the speakers were supportive of the plan. The CPB considered all comment, both positive and negative, made in the Public Hearings. A record of those comments is provided in the appendix. CPB responses regarding some of the issues raised are also provided in the appendix.

A major study of gravel and sand resources in Milan, conducted by a consulting geologist hired by Red Wing Sand and Gravel, was submitted at the final public hearing on April 16, 2005 and a meeting with the CPB was suggested by Art Brod, a consultant retained by Red Wing. Despite the late submission of this information, the CPB invited Red Wing representatives to make a presentation to the CPB and the

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public on April 26. The main points of that presentation and related public comment have been incorporated into the plan.

The Town Board received the Comprehensive Plan Board's Report on May 9, 2005. Public hearings were conducted on August 20 and 23. A total of 72 speakers (excluding second-time speakers) made comments: 71% were completely supportive of the plan as reported; 19% opposed one or more aspect of the plan (most commonly the Rural Space Overlay zone, 14%); and the balance (10%) raised questions, were undecided, or made other comments.

Subsequent to the August hearings, major changes were proposed by the Town Board and a new draft plan circulated for comment and additional public hearings. The modified plan failed to gain the needed majority after Dutchess County Planning required it obtain a majority plus one to pass. With new Town Board members taking office January 1, 2006, the original CPB report was accepted by the Town Board, minor amendments were made, and the process for adoption -- Dutchess County Planning review, public hearings, and Milan Planning Board comment -- was renewed.

A mailing was sent to all citizens in advance of each of the major public participation events—the public forums in April 2004, Community Day in September 2004, public workshops in November 2004 and January 2005, and the public hearings in August 2005 and January 2006. In each case the mailing reported the current status and findings of the plan, invited all citizens to the events, and reiterated the availability of materials on the web site. Citizens were encouraged to attend meetings and make comment in person, through e-mail, or in writing. In addition to comments at meetings, approximately 50 e-mails containing suggestions and comments were received during the development of the plan, and more were received after the CPB report was published; they were overwhelmingly positive regarding the plan and its importance to Milan.

#### The Plan's Organization

The next two chapters of this plan address the overall issues; later chapters deal with the issues in depth.

Chapter 2 addresses the following issues:

- 1) The values and priorities identified from all of the sources of community input.
- 2) The central vision and goals of the overall Comprehensive Plan.
- 3) An overview on growth, density and residential build-out and their impacts.
- 4) The central findings of the CPB's research.

Chapter 3 is the CPB's response to the central findings in Chapter 2. Chapter 3 provides an overview of the more significant new directions recommended in this document. These are discussed further in subsequent chapters, which report on each committee's research and analysis. Their work draws on the results of the surveys, public forums, workshops and hearings, and other citizen input to formulate the CPB's recommendations.

Five appendices have been prepared to document the Comprehensive Plan process. While the materials therein are not part of the Comprehensive Plan as adopted by the Town Board, they are made available for future reference by the citizens of Milan. Included in the five appendices are:

- A) Maps of the Town, its features and the proposals being made in the plan.
- B) Data from the public surveys, forums and workshops, and the public hearings.
- C) Background papers and data, plus information from the 1986 Master Plan, as appropriate.



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D) CPB meeting agendas and minutes.

E) Materials subsequent to CPB Report, including transcripts and minutes of Public Hearings

Appendix A, containing the maps, is included with this document. The others are in separate packages available at Milan's Wilcox Memorial Town Hall. The information in the remaining four appendices is quite bulky and is not included. However, the information is available at Town Hall for review by anyone who requests it.

### Initial Transmittal to the Town Board and the People of Milan

The members of the Milan Comprehensive Plan Special Review Board appreciate the time the Town Board has taken to attend four Joint Board Workshops. These meetings provided us with valuable feedback and questions as the plan was developed. We take great pride in presenting this Comprehensive Plan to our fellow Milan citizens and to the Town Board of the Town of Milan. We expect that following appropriate reviews and comment this plan will be adopted by the Town Board to guide our community planning for many years in the future. However, this plan should not remain as an unchanging document. As more information becomes available, as land planning techniques improve, and as land is developed in Town, the Comprehensive plan will need to change. To ensure that it continues to express the dreams and wishes of the people that call Milan home, we recommend that the adopted plan receive a review and update at intervals no greater than five years.

Jack Grumet	_____
Bill Jeffway	_____
Sheila Margiotta	_____
Ray Pozzi	_____
Ross Williams	_____
Phillip Zemke	_____

May 3, 2005

### Final Adoption of the Town of Milan's Comprehensive Plan

The members of the Town Board are pleased to complete the long and sometimes grueling process of adopting a new Comprehensive Plan for Milan. We congratulate the members of the Milan Comprehensive Plan Special Review Board on the quality of their work; we thank them for the extensive time they invested and for their contribution to the future of our community.

January 26, 2006

*Milan's Comprehensive Plan was initially adopted on January 26, 2006 and was ruled void by Justice James V. Brands, Supreme Court of New York, Dutchess County because of procedural errors. The Comprehensive Plan, redated 2007, and containing this paragraph, was reintroduced March 12, 2007.*